

## **REMARKS**

Reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment the Abstract is amended as required by the Office action. Withdrawal of the objection to the Abstract is respectfully requested.

Turning to the rejection of the claims in view of the asserted combination of Dahlberg and Whitney, withdrawal of the rejection is respectfully requested. The person of ordinary skill in the art would not have found it logical to combine the teachings of Dahlberg and Whitney, and, assuming arguendo the teachings were combined, the present invention would not be provided.

The Dahlberg patent discloses a leaf blower and is at least similar to the blower of the present invention. It is worth noting that at least one difference between Dahlberg and the present invention as defined by claim 1 is the presence of an opening in the fan housing, so that air is allowed to leave the fan in case of a blocked air stream in the fan housing or blower tube. The technical effect resulting from this feature is elimination of the risk that the engine or components inside the casing will overheat in case of a blocked or stopped air stream through the fan or blower tube.

For the person of ordinary skill in the art, knowing about Dahlberg, the objective technical problem to solve in order to achieve the technical effect described above, would be to avoid a situation where the engine overheats because of reduced or stopped flow of cool air passing the engine and the components inside the casing. If the person of ordinary skill in the art, having the teachings of Dahlberg tries to solve the objective technical problem it is not likely that he or she seeks advice from Whitney, since Whitney describes a part of an organic debris collecting device, which is used in a completely different way from a leaf blower.

Assuming, arguendo, that the person of ordinary skill in the art even tries to use Whitney in order to find a solution for the objective technical problem, the result will not provide the present invention as set forth in the claims.

Firstly, the vents in Whitney are not positioned in the fan housing but in a blower conduit, leading from an outlet portal of a blower (probably comprising a fan) to an inlet portal of a cargo container. The position of the vents in Whitney is chosen specifically for the purpose of ejecting air while minimizing ejection of entrained particles. The position of the opening in the present invention is chosen such that a cooling air stream pass the engine is provided even in case of a blocked air stream through the fan or blower tube.

Secondly, the purpose of the vents in Whitney is different from the openings in the present invention. The main purpose of the vents in Whitney is to maximize the effectiveness of blower-driven air streams carrying entrained organic debris into a collector enclosure by eliminating the need for venting the air flow from inside the collector container, and thereby eliminating the problems of debris escape, vent mesh clogging, and the loss of vacuum effect.

Another purpose is to reduce the pressure developed inside the collector container which results when the air escape path is completely blocked. (Whitney, column 2, lines 21-36). The problem of engine overheating is not mentioned in Whitney.

Since Whitney teaches completely different structure/function, the present invention is not going to result if Whitney is used to modify the Dahlberg device.

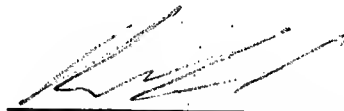
In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ABE1-40373.

Respectfully submitted,

PEARNE & GORDON LLP

By:



Ronald M. Kachmarik, Reg. No. 34512

1801 East 9<sup>th</sup> Street  
Ste. 1200  
Cleveland, Ohio 44114-3108  
216-579-1700

Date: January 7, 2009